

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3 and 5-10 are pending in the present application, Claim 1 having been amended and Claim 4 having been canceled without prejudice or disclaimer. Claim 1 is amended to include the elements of Claim 4. Thus, no new matter is added, no new search is required, and entry of this amendment under 37 CFR §1.116 is in order.

In the outstanding Office Action, Claims 1-10 were rejected at unpatentable over Kroon et al. (WO 00/18041, hereinafter Kroon) in view of McGibney (U.S. Patent No. 6,594,273).

Applicants respectfully traverse the outstanding ground of rejection because the outstanding Office Action fails to provide a *prima facie* case of obviousness by asserting prior art that, no matter how the prior art references are combined, does not teach every element of independent Claim 1, as amended. Furthermore, the outstanding ground of rejection fails to provide a *prima facie* case of obviousness because the reasoning offered as to motivation for combining the teachings of Kroon and McGibney is inadequate.

To establish a *prima facie* case of obviousness, M.P.E.P. §2143 requires that three criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim elements. It is the first and third requirements that have not been met by the outstanding rejection.

In a non-limiting embodiment of the claimed invention, each data, speech, and synchronization slot comprises a first part devoted to synchronization on a synchronization

signal sent by one of the units of the network. The remainder of the slot is devoted to the transmission of a useful signal if it exists. The synchronization sent on the speech and data sub-channels enables the units on the network to be synchronized with fine precision.<sup>1</sup>

Claim 1 recites, *inter alia*, “providing a first part of the information in each sub-channel time slot as configured to provide synchronization information between stations of the network.” The combination of Kroon and McGibney does not teach or suggest this element of amended Claim 1.

The outstanding Office Action relies on McGibney to teach the above-noted element of amended Claim 1.<sup>2</sup> However, McGibney only teaches that a synchronizer module 12 generates a synchronization signal.<sup>3</sup> As shown in Fig. 2, McGibney teaches that only the first time slot in the frame is used for synchronization.<sup>4</sup> McGibney states at col. 2, lines 15-17 that “some of the slots are designated data slots for carrying information between terminals, and others are designated synchronization slots.” Thus, McGibney does not teach or suggest the claimed “providing a first part of the information in each sub-channel time slot as configured to provide synchronization information between stations of the network” (emphases added).

Kroon does not cure the above-noted deficiencies of McGibney. Kroon does not teach or suggest the claimed “providing a first part of the information in each sub-channel time slot as configured to provide synchronization information between stations of the network” (emphases added) and does not teach or suggest time multiplexing of data and speech sub-channel time slots as part of forming a frame, as noted in the last response.

The outstanding action seems to suggest that the PTO can rely on a mere chance that “there will [be] instants in time when there will be groups of time slots at which data is transmitted and groups of time slots at which voice is transmitted.” In any event, Claim 1

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<sup>1</sup> Specification, page 4, lines 23-31.

<sup>2</sup> Office Action, page 5.

<sup>3</sup> McGibney, col. 4, lines 50-53.

<sup>4</sup> McGibney, col. 4, lines 29-31.

requires that the “first group of time slots” (data multiplexed), the “second group of time slots” (speech multiplexed) and at the least one general service and synchronization sub-channel time slot must “form a frame” that includes at least one designated general services and synchronization sub-channel time slot in a sequential arrangement with members of the first and second groups.” Where is this subject matter taught by either of the applied references?

Kroon does not discuss synchronization signals. Kroon teaches that through a negotiation process, carried out on a control channel, two nodes on a network will agree to communicate on a data channel different from the control channel.<sup>5</sup> Thus, Kroon has no need for and does not teach or suggest the claimed “providing a first part of the information in each sub-channel time slot as configured to provide synchronization information between stations of the network.”

Thus, in view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and Claims 2, 3, and 5-10) patentably distinguish over Kroon and McGibney, alone or in combination.

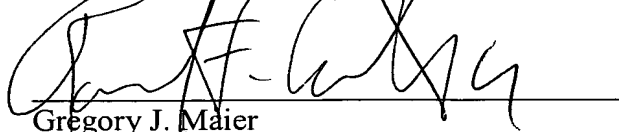
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<sup>5</sup> Kroon, page 6, lines 6-17.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Raymond F. Cardillo, Jr.  
Registration No. 40,440